

REMARKS

I. Introduction

In response to the Office Action dated September 23, 2003, claims 4, 6, 14, 25-52, 58 and 60 have been cancelled, and claims 1, 2, 5, 11, 17, 19, 21, 59 and 61 have been amended. Claims 1-3, 5, 8, 9, 11, 17, 19-21, 59, 61, 62, 64-66 and 71 remain in the application. Reconsideration of the application, as amended, is requested.

II. Claim Amendments

Applicants' attorney has made amendments to the claims as indicated above. These amendments were made solely for the purpose of clarifying the language of the claims, and do not introduce new matter. The amendments involve introducing limitations of previously dependent claims, and therefore do not narrow the scope of the claims relative to their original, dependent form.

Claim 1 has been amended to introduce limitations of cancelled claims 4 and 14.

Claim 2 has been amended to be consistent with the deletion of "insulin" from claim 1.

Claim 5 has been amended to revise the dependency in view of the cancellation of claim 4.

Claims 11 and 19 have been amended to be consistent with the amendment of claim 1.

Claim 21 has been amended to introduce the limitations of cancelled claim 25.

Claim 59 has been amended to introduce the limitations of cancelled claim 60.

Claim 61 has been amended to introduce the structure of L-783,281, as suggested by the Examiner.

III. Non-Art Rejections

On page (2) of the Office Action, claim 61 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

In response, Applicants have amended claim 61 to introduce the structure of L-783,281, as suggested by the Examiner.

IV. Prior Art Rejections

On page (3) of the Office Action, claims 1-3, 9, 21, 59, and 65 were rejected under 35 U.S.C. §103 as being unpatentable over Walter, "Diabetes Research 13(2) 75-7, 1990," (Walter) in view of Rieveley, U.S. Patent No. 6,153,632 (Rieveley). On page (5) of the Office Action, claims 1-3, 9, 21, 59, and 65 were rejected under 35 U.S.C. §103 as being unpatentable over Grau, "Diabetes 36(12) 1453-1459, 1987," (Grau) in view of Rieveley. On page (6) of the Office Action, claims 1-3, 9, 21, 59, and 65 were rejected under 35 U.S.C. §103 as being unpatentable over Walter in view of Clark, U.S. Patent No. 5,783,556 (Clark) in view of Rieveley. On page (7) of the Office Action, claims 1-3, 9, 21, 59, and 65 were rejected under 35 U.S.C. §103 as being unpatentable over Walter in view of Cooper, U.S. Patent No. 5,641,744 (Cooper) and further in view of Rieveley.

Applicants have amended the claims to introduce the limitations of claims that were merely objected to as dependent on a rejected base claim. Accordingly, Applicants respectfully request withdrawal of the rejections based on the prior art.

V. Conclusion

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney.

Respectfully submitted,

GATES & COOPER LLP
Attorneys for Applicant(s)

Howard Hughes Center
6701 Center Drive West, Suite 1050
Los Angeles, California 90045
(310) 641-8797

Date: December 22, 2003

By: 

Name: Karen S. Canady
Reg. No.: 39,927

KSC/amb